

# DeCONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2525 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, ARIZONA 85716-5300

(520) 322-5000 • (520) 322-5585 (Fax)

EVO DECONCINI (1901-1986)

DENISE M. BAINTON  
JOHN C. E. BARRETT  
JEANNETTE L. BICKNER  
ALICE W. CALLISON  
MICHAEL A. CORDIER  
BARRY M. COREY  
DENNIS DECONCINI  
ANDREW Y. ERWIN  
SHELTON L. FREEMAN  
HEATHER K. GAINES  
PETER B. GOLDMAN  
NATHAN B. HANNAH  
IVA S. HIRSCH  
LAWRENCE D. HIRSCH  
JAMES A. JUTRY  
KRISTEN B. KLOTZ  
JOHN C. LACY

MARIAN C. LALONDE  
MARK D. LAMMERS  
LISA SCHRINER LEWIS  
MATTHEW J. MANSFIELD  
NANCY J. MARCH  
JOHN R. McDONALD  
JARED G. PARKER  
ALYCE L. PENNINGTON  
JOHN C. RICHARDSON  
IRA M. SCHWARTZ  
LISA ANNE SMITH  
SPENCER A. SMITH  
SESALY O. STAMPS  
GARY F. URMAN  
MICHAEL R. URMAN  
RICHARD M. YETWIN

BARRON & POLK, P.L.L.C. - OF COUNSEL  
JOHN H. BARRON, III  
JAY M. POLK

BARRETT L. KIME - OF COUNSEL  
SARA J. VANCE - OF COUNSEL

November 24, 2010

7310 N. 16TH STREET, SUITE 330  
PHOENIX, ARIZONA 85020  
(602) 282-0500  
FAX: (602) 282-0520

19 WEST BIRCH AVENUE  
FLAGSTAFF, ARIZONA 86001  
(928) 214-0466  
FAX: (928) 214-6212

6909 E. MAIN ST.  
SCOTTSDALE, ARIZONA 85251  
(480) 398-3100  
FAX: (480) 398-3101

1680 DUKE STREET, THIRD FLOOR  
ALEXANDRIA, VA 22314  
(703) 838-6200  
FAX: (202) 315-3600

[www.deconcinimcdonald.com](http://www.deconcinimcdonald.com)

PLEASE REPLY TO TUCSON  
hgaines@dmyl.com

## Via ECFS

Federal Communications Commission  
Telecommunications Access Policy Division  
445 12th Street SW  
Washington, DC 20554

RE: CC Docket No. 02-6; CC Docket No. 96-45  
Sunnyside Unified School District – BEN: 143127  
Trillion Partners, Inc. - SPIN: 143025872

To whom it may concern:

This firm represents Sunnyside Unified School District (“Sunnyside”), the recipient of the Funding Commitment Decision Letters (“FCDLs”) attached hereto as Exhibit A. Sunnyside is hereby appealing from the denial of funding for funding years 2007 and 2008. This appeal is filed on the District’s behalf, and in support of the Master Appeal filed by Trillion Partners, Inc. on November 3, 2010.

The basis of this appeal is set forth in detail in the letter attached hereto as Exhibit B, which was sent to Pina Portanova of the Schools and Libraries Division in response to a request for information concerning Sunnyside’s contract with Trillion. Please do not hesitate to contact

Very truly yours,

  
Heather K. Gaines

Enclosure

DeCONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

Federal Communications Commission  
November 24, 2010  
Page 2

c (w/enc):      Javier Baca (via e-mail)

I:\FILES\DOCS\ARRT03\401513\LTR\KS8185.DOC

# **EXHIBIT A**

FUNDING COMMITMENT REPORT  
Service Provider Name: Trillion Partners, Inc  
SPIN: 143025872  
Funding Year: 2007

Name of Billed Entity: SUNNYSIDE UNIF SCHOOL DIST 12  
Billed Entity Address: 2238 E GINTER RD  
Billed Entity City: TUCSON  
Billed Entity State: AZ  
Billed Entity Zip Code: 85706  
Billed Entity Number: 143127  
Contact Person's Name: David Sanders  
Preferred Mode of Contact: EMAIL  
Contact Information: davids@susd12.org  
Form 471 Application Number: 552301  
Funding Request Number: 1587582  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 160340000560520  
Contract Number: B-06-29-TPI  
Billing Account Number: 520-545-2000  
Service Start Date: 07/01/2007  
Contract Expiration Date: 02/06/2011  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$314,792.28  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00  
Pre-Discount Amount: \$314,792.28  
Applicant's Discount Percentage Approved by SLD: 87%  
Funding Commitment Decision: \$.00 - Bidding Violation- SRC  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove the ineligible portion of the product(s)/service(s) delivered to non special education Pre-K students. <><><><><> MR2: The FRN was modified from \$26,449.58/mo to \$26,232.69/mo to agree with the applicant documentation. <><><><><> This FRN is denied because the documents provided by you and/or your vendor indicates that there was not a fair and open competitive bid process free from conflicts of interest. The documentation provided by you and/or your service provider indicates that prior to/throughout your contractual relationship with the service provider listed on the FRN, that you were offered and accepted either gifts, meals, gratuities, entertainment from the service provider, WHICH resulted in a competitive process that was no longer fair and open and therefore funding is denied.  
FCDL Date: 09/27/2010  
Wave Number: 80P  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

FUNDING COMMITMENT REPORT  
Service Provider Name: Trillion Partners, Inc  
SPIN: 143025872  
Funding Year: 2008

Name of Billed Entity: SUNNYSIDE UNIF SCHOOL DIST 12  
Billed Entity Address: 2238 E GINTER RD  
Billed Entity City: TUCSON  
Billed Entity State: AZ  
Billed Entity Zip Code: 85706  
Billed Entity Number: 143127  
Contact Person's Name: David Sanders  
Preferred Mode of Contact: EMAIL  
Contact Information: davids@susdl2.org  
Form 471 Application Number: 601984  
Funding Request Number: 1682975  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 160340000560520  
Contract Number: B-06-29-TPI  
Billing Account Number: 520-545-2000  
Service Start Date: 07/01/2008  
Contract Expiration Date: 02/06/2011  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$317,394.96  
Pre-Discount Amount: \$317,394.96  
Applicant's Discount Percentage Approved by SLD: 87%  
Funding Commitment Decision: \$.00 - Bidding Violation- SRC  
Funding Commitment Decision Explanation: This FRN is denied because the documents provided by you and/or your vendor indicates that there was not a fair and open competitive bid process free from conflicts of interest. The documentation provided by you and/or your service provider indicates that prior to/throughout your contractual relationship with the service provider listed on the FRN, that you were offered and accepted either gifts, meals, gratuities, entertainment from the service provider, WHICH resulted in a competitive process that was no longer fair and open and therefore funding is denied.  
FCDL Date: 09/15/2010  
Wave Number: 80L  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

# EXHIBIT B

# DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2525 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, ARIZONA 85716-5300

(520) 322-5000 • (520) 322-5585 (Fax)

EVO DECONCINI (1901-1986)

DENISE M. BAINTON	MARIAN C. LALONDE
JOHN C. E. BARRETT	MARK D. LAMMERS
JEANNETTE L. BICKNER	LISA SCHRINER LEWIS
ALICE W. CALLISON	MATTHEW J. MANSFIELD
MICHAEL A. CORDIER	NANCY J. MARCH
BARRY M. COREY	JOHN R. McDONALD
DENNIS DECONCINI	JARED G. PARKER
ANDREW Y. ERWIN	ALYCE L. PENNINGTON
SHELTON L. FREEMAN	JOHN C. RICHARDSON
HEATHER K. GAINES	IRA M. SCHWARTZ
PETER B. GOLDMAN	LISA ANNE SMITH
NATHAN B. HANNAH	SPENCER A. SMITH
IVA S. HIRSCH	SESALY O. STAMPS
LAWRENCE D. HIRSCH	GARY F. URMAN
JAMES A. JUTRY	MICHAEL R. URMAN
KRISTEN B. KLOTZ	RICHARD M. YETWIN
JOHN C. LACY	

BARRON & POLK, P.L.L.C. - OF COUNSEL  
JOHN H. BARRON, III  
JAY M. POLK

BARRETT L. KIME - OF COUNSEL  
SARA J. VANCE - OF COUNSEL

July 8, 2010

7310 N. 16TH STREET, SUITE 330  
PHOENIX, ARIZONA 85020  
(602) 282-0500  
FAX: (602) 282-0520

19 WEST BIRCH AVENUE  
FLAGSTAFF, ARIZONA 86001  
(928) 214-0466  
FAX: (928) 214-6212

6909 E. MAIN ST.  
SCOTTSDALE, ARIZONA 85251  
(480) 398-3100  
FAX: (480) 398-3101

1680 DUKE STREET, THIRD FLOOR  
ALEXANDRIA, VA 22314  
(703) 838-6200  
FAX: (202) 315-3600

[www.deconcinimcdonald.com](http://www.deconcinimcdonald.com)

PLEASE REPLY TO TUCSON  
hgaines@dmvl.com

## Via Federal Express

Pina Portanova  
Universal Service Administrative Company  
Schools and Libraries Division  
30 Lanidex Plaza West  
Parsippany, NJ 07054

RE: Sunnyside Unified School District #12  
FY2007 Form 471# 552301, FRN 1587582  
FY2008 Form 471# 601984, FRN 1682975  
FY2009 Form 471# 669222, FRN 1826406

Dear Ms. Portanova:

This firm represents the Sunnyside Unified School District #12 (the "District"). We are in receipt of your letter dated June 10, 2010 on behalf of the Schools and Libraries Division ("SLD" herein) regarding the above-referenced Applications, and on behalf of the District, we are hereby requesting that you reconsider your decision to deny funding pursuant to the Forms 471 listed above (the "Applications"). The District previously provided SLD with substantial information regarding these applications, in response to a letter from SLD dated June 12, 2009 in which SLD raised serious concerns about Trillion Partners, Inc.

First, we wish to note that David Sanders, the District's previous Director of Information Technology, has left the District. Javier Baca has served as the Executive Director for Information Technologies since February 8, 2010. Mr. Baca has reviewed the District's files relating to the Applications, and determined that the award of a contract to Trillion Partners, Inc. was the result of a fair and competitive bidding process. Accordingly, the District requests that SLD reconsider its decision to deny funding for these Applications.

DeCONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

Pina Portanova

July 8, 2010

Page 2

**I. The District's Bidding Process Was Fair and Competitive**

The District posted a Form 470 and published and distributed a Notice of Request for Proposal for "Services to Support the District's Telecommunications Network" (RFP No. B-06-29 – the "RFP") on December 14, 2005. The RFP was for various services to support the District's telecommunications system, including WAN to support voice, data and video transmission, phone services, internet access, POTS and long distance carrier service. Proposals were due on January 11, 2006.

After the bids were opened on January 11, 2006, Dr. John Cox, Assistant Superintendent, and David Sanders, Director of Information Technology, met to evaluate the bids based upon an established set of criteria. Attached as Exhibit A is an outline of the Vendor Selection Process utilized by Dr. Cox and Mr. Sanders. The Evaluation Sheets for each of the vendors selected are attached hereto as Exhibit B. A Summary of Costs for each of the bid response is attached hereto as Exhibit C. Trillion's bid for WAN services was for less than half the cost of the nearest bidder, and a mere fraction of the other bidders. Based on the extreme difference in costs, and considering all other factors, Dr. Cox and Mr. Sanders determined that Trillion's bid for wide area network ("WAN") services best met the requirements of the RFP at the lowest price.

On January 31, 2006, the District's Governing Board approved contracts with each of the recommended bidders. See Minutes of Special Board Meeting, attached hereto as Exhibit D. The District then entered into a contract with Trillion dated February 7, 2006 for the provision of WAN services, and the contract was ratified by the Board on March 14, 2006. See Exhibit E. As demonstrated by the attached summaries and evaluations, Trillion offered WAN services at the lowest price, and was awarded the contract for these services based upon a fair and competitive selection process. The fairness of the selection process is further demonstrated by the fact that vendors other than Trillion were awarded contracts for each of the services other than WAN that were solicited under the RFP. These contract awards were clearly based upon the responsiveness and cost estimated for each particular service.

**II. The Cases Cited do Not Support a Denial of Funding to the District**

It is undisputed that the federal law and guidelines regarding E-Rate funding require that Districts utilize a fair and competitive bidding process. In your letter dated June 12, 2009, numerous cases were cited regarding the need for a fair and competitive bidding process. These cases, while they stand for the proposition that the bidding process must be open and competitive, do not support a denial of funding in this case. In *Ysleta Independent School District*, FCC-03-313 Order, 19 FCC, the particular paragraph cited (§60) states only that "direct involvement in an application process by a service provider would thwart the competitive bidding process." *Ysleta* at §60. There is no allegation in this case that Trillion was directly involved in the bidding process. The District prepared the Form 470 and the RFP – Trillion did not. The contact person listed on the Form 470 and RFP was David Sanders, a District employee. (See *MasterMind Order*, FCC-00-167a1, at §10). Mr. Sanders and Mr. Cox were solely



DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

Pina Portanova

July 8, 2010

Page 3

responsible for answering questions from potential bidders, and otherwise handled all interactions with potential bidders. The FCC in *MasterMind* noted that the contact person, who in *MasterMind* was an employee of a vendor, "exerts great influence over an applicant's competitive bidding process by controlling the dissemination of information regarding the services requested." *Id.* That was not the case with Sunnyside's bidding process – the District was completely in control of all aspects of the process and controlled the dissemination of information. The actual dissemination was accomplished in a fair and equitable manner in this case.

The other two cases cited in your letter, *SEND Technologies, LLC*, DA-07-1270A1 (Order, DA 07-127A1) and *Caldwell Parish* (Order, DA 08-449) are similarly distinguishable from the present case. In *SEND*, the school district's designated contact person owned a 15% interest in the company that was awarded the contract, at the time the RFP and Form 470 were posted. In the present case, no District employee had any ownership or employment interest in Trillion (or any other potential service provider), at the time the RFP and Form 470 were posted. In your decision, you assert that Mr. Sanders may have accepted two airline tickets and other small gifts or reimbursements of expenses from Trillion. However, the gratuities were provided well after the WAN services were awarded, were related to Mr. Sanders' duties as Director of IT for the District, and resulted in no personal benefit to him as the expenses would very likely have been paid by the District if Trillion had not paid them. At no time was Mr. Sanders employed by Trillion, nor did he have any ownership interest in Trillion. In *Caldwell Parish*, an employee of SEND had assisted the Jackson School District in determining the types of services it needed and in filling out the Form 470. The SEND employee also submitted the Form 470 from SEND's office. Trillion did not assist the District in preparing the RFP or Form 470, and had no involvement in completing or posting the Form 470. Trillion did not relieve the District of performing any of the tasks that would normally be completed in a competitive bidding process. The holding in *Caldwell Parish* with regard to Jackson School District is therefore inapplicable here.

The award of the contracts to Trillion and the other providers under the RFP were in compliance with Arizona procurement laws in an open and competitive process, and were based upon an evaluation of the proposals submitted by competing vendors in accordance with the criteria set forth in the RFP.

**III. The Bidding Process Complied With the Arizona School District Procurement Code**

In addition to satisfying the requirements of the SLD for a fair and competitive bidding process, the District's award of the contract to Trillion complied with all applicable Arizona procurement laws. In procuring the WAN services, the District was required to follow the provisions of the Arizona School District Procurement Code found at R7-2-1001 of the Arizona Administrative Code ("AAC"). The District chose to issue a request for proposals under the provisions of AAC R7-2-1041 entitled, "Competitive Sealed Proposals". We have reviewed the

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

Pina Portanova

July 8, 2010

Page 4

RFP issued by the District as well as the applicable procurement rules of the State of Arizona and have determined that the content and conduct of the request for proposals was compliant with the requirements of the applicable procurement rules.

Four vendors submitted proposals for WAN services prior to closing of the RFP. The District's Assistant Superintendent and Director of Information Technology served as a selection committee to evaluate the proposals based upon a formula established prior to the issuance of the RFP. The selection committee met and scored each of the responsive proposals based upon the criteria set forth in the RFP. Trillion's proposal for WAN services was fully responsive to the RFP, and offered the lowest price by a significant margin. See Exhibit C. The evaluation of proposals was conducted in accordance with the requirements of AAC R7-2-1046 and the award was made in accordance with the requirements of AAC R7-2-1050. Therefore, it is our opinion that the procurement conducted by the District to procure the WAN services is fully compliant with the procurement code provisions applicable to this type of procurement under Arizona law. Furthermore, had the District awarded the contract to any other bidder, in spite of Trillion's significantly lower price, such an award would likely have violated Arizona procurement law and certainly would not have been in the best financial interest of the District or the E-Rate program.

**IV. Conclusion**

The District conducted a fair and competitive bidding process that complied with Arizona procurement laws and SLD guidelines. As noted above, our office's review of the selection process indicates that the award of the contract to Trillion for WAN services was the result of a fair and competitive bidding process, and that the process was in full compliance with all applicable Arizona procurement laws. The District therefore requests that you reconsider the decision to deny funding for these services.

Very truly yours,



Heather K. Gaines

c: Javier Baca

# **EXHIBIT A**

## SECTION 4

### VENDOR SELECTION PROCESS

Evaluation Sheets Enclosed for Each Bidder (Vendor) Selected

Evaluation Sheets Matched with Each FRN

All Evaluations Based on the Following  
Factors, Weight, and Points

FACTOR	WEIGHT	POINTS
Price	30%	30
Past Performance	25%	25
Personnel Qualifications	20%	20
Management Capabilities	15%	15
Responsive to Proposal	10%	10
Total	100%	100

Evaluations were conducted jointly by David Sanders, IT Director,  
and Dr. John Cox, Asst. Supt.

# EXHIBIT B

FRN -1417601

**SUNNYSIDE UNIFIED SCHOOL DISTRICT NO. 12  
EVALUATION SHEET  
RFP NO. B-06-29**

**SERVICES TO SUPPORT THE DISTRICT'S  
TELECOMMUNICATIONS NETWORK**

**WAN NETWORK FOR VOICE & DATA**

<b>Bidder</b>	<b>Price 30 pts</b>	<b>Past Performance 25 pts</b>	<b>Personnel Qualifications 20 pts</b>	<b>Management Capabilities 15 pts</b>	<b>Responsiveness To Proposal 10 pts</b>	<b>Total</b>
<b>Time-W.</b>	15	25	20	15	10	85
<b>Trillion</b>	30	25	20	15	10	100
<b>STC</b>	20	25	20	15	10	90
<b>Xspedius</b>	18	15	15	10	10	68

**\*Based on the ranking of the bidders, Trillion's bid represents the most cost-effective bid and will, therefore, be recommended for the bid award.**

**Price is based on the lowest cost per Mbps for the WAN connections**

**Past Performance is based on the information provided in RFP and checking references supplied for those companies with whom the District has not had prior experience.**

**Personnel Qualifications are based on information provided and through references.**

**Management Capabilities are based on based on the information provided in the RFP and through references.**

**Responsiveness to Proposal refers to the completeness of the bidder response to RFP.**

FRN - 1441696

**SUNNYSIDE UNIFIED SCHOOL DISTRICT NO. 12  
EVALUATION SHEET  
RFP NO. B-06-29**

**SERVICES TO SUPPORT THE DISTRICT'S  
TELECOMMUNICATIONS NETWORK**

**T1's AND PRI's, DID', and Long Distance Services to support the District's WAN and Phone Service**

<b>Bidder</b>	<b>Price 30 pts</b>	<b>Past Performance 25 pts</b>	<b>Personnel Qualifications 20 pts</b>	<b>Management Capabilities 15 pts</b>	<b>Responsiveness To Proposal 10 pts</b>	<b>Total</b>
<b>Time-W.</b>	<b>30</b>	<b>25</b>	<b>20</b>	<b>15</b>	<b>10</b>	<b>100</b>
<b>Trillion</b>	<b>No Bid</b>	<b>NB</b>	<b>NB</b>	<b>NB</b>	<b>NB</b>	<b>NB</b>
<b>STC</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Xspedius</b>	<b>29</b>	<b>15</b>	<b>15</b>	<b>10</b>	<b>10</b>	<b>79</b>

**\*Based on the ranking of the bidders, Time Warner is recommended to provide the phone service and the T1's for voice and data with the contract providing the right for the District to disconnect data T1's as the Broadband services from Trillion are brought on line.**

**Price is based on the lowest cost for all services considered together: PRI's, DID's, Long Distance services and the WAN T1's needed to provide service for the voice and date transmissions.**

**Past Performance is based on the information provided in RFP and checking references supplied for those companies with whom the District has not had prior experience.**

**Personnel Qualifications are based on information provided and through references.**

**Management Capabilities are based on based on the information provided in the RFP and through references.**

**Responsiveness to Proposal refers to the completeness of the bidder response to RFP.**

FRN - 1444830

**SUNNYSIDE UNIFIED SCHOOL DISTRICT NO. 12  
EVALUATION SHEET  
RFP NO. B-06-29**

**SERVICES TO SUPPORT THE DISTRICT'S  
TELECOMMUNICATIONS NETWORK**

**Internet Service**

<b>Bidder</b>	<b>Price 30 pts</b>	<b>Past Performance 25 pts</b>	<b>Personnel Qualifications 20 pts</b>	<b>Management Capabilities 15 pts</b>	<b>Responsiveness To Proposal 10 pts</b>	<b>Total</b>
<b>Time-W.</b>	27	25	20	15	10	97
<b>Trillion</b>	15	25	20	15	10	85
<b>STC</b>	20	25	20	15	10	90
<b>Xspedius</b>	30	15	15	10	10	80

\*Based on the ranking of the bidders, Time Warner's bid represents the most cost-effective bid and will, therefore, be recommended for the bid award.

Price is based on the lowest cost for 15 Mbps for the Internet Connection to the District's WAN.

Past Performance is based on the information provided in RFP and checking references supplied for those companies with whom the District has not had prior experience.

Personnel Qualifications are based on information provided and through references.

Management Capabilities are based on based on the information provided in the RFP and through references.

Responsiveness to Proposal refers to the completeness of the bidder response to RFP.



FRN -1444895

**SUNNYSIDE UNIFIED SCHOOL DISTRICT NO. 12  
EVALUATION SHEET  
RFP NO. B-06-29**

**SERVICES TO SUPPORT THE DISTRICT'S  
TELECOMMUNICATIONS NETWORK**

**POTS Services**

<b>Bidder</b>	<b>Price 30 pts</b>	<b>Past Performance 25 pts</b>	<b>Personnel Qualifications 20 pts</b>	<b>Management Capabilities 15 pts</b>	<b>Responsiveness To Proposal 10 pts</b>	<b>Total</b>
<b>Time-W.</b>	NB	NB	NB	NB	NB	0
<b>Trillion</b>	NB	NB	NB	NB	NB	0
<b>STC</b>	30	25	20	15	10	100
<b>Xspedius</b>	NB	NB	NB	NB	NB	0

**\*Based on the fact only one bid for services was received, Strategic Technology Communication's (STC) bid will, therefore, be recommended for the bid award.**

**Notation: Although STC is the only bidders to provide these services, STC pricing will represent a lower price for these services than the District is now paying to its current POTS provider.**

**Past Performance is based on the information provided in RFP and checking references supplied for those companies with whom the District has not had prior experience.**

**Personnel Qualifications are based on information provided and through references.**

**Management Capabilities are based on based on the information provided in the RFP and through references.**

**Responsiveness to Proposal refers to the completeness of the bidder response to RFP.**

# EXHIBIT C

Bid Responses to B-06-29 Summary of Costs					
Service Provider	Trillion	Xspedius	Time Warner	STC	STC Installation
Service Bid					
Cost/PRI	No Bid	425	404	470.63	
4000 DID	No Bid	0	200	600	
POTS Lines	No Bid	No Bid	No Bid	24.50/ea.	42.50/ea.**
15 Mbps Internet	4200	1300	1600	2900	950
LD Interstate/min.	No Bid	0.039	0.027*	0.039	
LD Intrastate/min.	No Bid	0.039	0.047*	0.039	
Cost per Mbps	14.3	61.89	63.25	34.51	40131.32
Cost Analysis	Trillion lowest cost per Mbps to support WAN				
Cost Analysis	Cost to support voice & data T1's/DID's/PRI's/Long Distance per month				
Equivalent T1's	N/B	12,000	12,871.70	N/B	
5 PRI's	N/B	2125	2020	2358.15	
4000 DID's	N/B	0	200	600	
25,000 min. LD	N/B	975	0	975	950
	N/B	15,100	15,091.70	***	
Lowest cost per month for voice & data T1's/DID's/PRI's/Long Distance is Time Warner					
Second lowest cost provide for voice & data T1's/DID's/PRI's/Long Distance is Xspedius					
***STC did not provide a bid using T1's for voice and data transmission					
***in considering STC just for PRI's, DID's, and Long distance separately,					
the two (2) companies providing T1's were less cost on this basis also.					
Cost Analysis	Cost to provide 15 Mbps of Internet Service				
15 Mbps/month	4200	1300	1600	2900	
Lowest cost per month of Internet Service is Xspedius.					

[illegible]

	STC					STC				
	Broadband Enhanced Option					Broadband Basic Option				
WAN to Hub	Mbps	Cost/mo.	Cost/Mbps	Installation	WAN to Hub	Mbps	Cost/mo.	Cost/Mbps	Installation	
Admin DO					Admin DO					
Challenger MS	36	1439.32		8333.44	Challenger MS	20	617.11		8333.44	
Sunnyside HS					Sunnyside HS					
Apollo MS	36	1439.32		7821.48	Apollo MS	20	617.11		7821.48	
Chaparral MS	20	617.11			Chaparral MS	5	499.17			
Desert View HS	36	1439.32		7821.48	Desert View HS	20	617.11		7821.48	
Summit View EL	20	766.76		8333.44	Summit View EL	5	819.71		8333.44	
Elvira EL	20	617.11			Elvira EL	5	483.88			
Santa Clara EL	20	617.11			Santa Clara EL	5	499.17			
Mission Manor	20	617.11			Mission Manor	5	499.17			
STAR	20	617.11			STAR	5	483.88			
Drexel EL	20	617.11			Drexel EL	5	483.88			
Gallego EL	20	617.11			Gallego EL	5	483.88			
Esperanza EL	20	617.11			Esperanza EL	5	483.88			
Los Amigos EL	20	617.11			Los Amigos EL	5	499.17			
Los Ninos EL	20	617.11			Los Ninos EL	5	483.88			
Craycroft EL	20	623.11			Craycroft EL					
Liberty EL					Liberty EL					
Ocotillo EL					Ocotillo EL					
Sierra MS	36	1439.32		7821.48	Sierra MS	20	617.11		7821.48	
Lauffer MS	20	623.01			Lauffer MS	5	642.42			
Los Ranchitos EL					Los Ranchitos EL					
	404	13941.26	34.51	40131.32		140	8830.53	63.08	40131.32	
Service Provider	Trillion	Xspedius	Time Warner	STC	STC Installation					
Service Bid										
Cost/PRI	No Bid	425	404	470.63						
4000 DID	No Bid	0	200	600						
POTS Lines	No Bid	No Bid	No Bid	24.50/ea.	42.50/ea.**					
15 Mbps Internet	4200	1300	1600	2900	950					
LD Interstate/min.	No Bid	0.039	0.027*	0.039						
LD Intrastate/min.	No Bid	0.039	0.047*	0.039						
*Time Warner proposed for PRI Voice service includes 5,000 minutes of use (MOU) long distance (LD) per month with each PRI at no additional cost. Total 'no charge' LD MOU per month at current configuration of 5 PRI'S is 25,000 minutes.										
**STC waived the 42.50 installation fee for all existing POTS lines. Fee will only apply to new installations.										
STC is the only bidder providing POTS.										

BroadLINK Monitoring (Non-Erate) \$1,075.36/mc

# EXHIBIT D

SUNNYSIDE UNIFIED SCHOOL DISTRICT NO. 12  
2238 E. Ginter Road  
Tucson, Arizona 85706

Minutes of the Special Board Meeting of the Governing Board  
Sunnyside Unified School District No.12

**PLACE:** Board Conference Room

**DATE:** January 31, 2006

**TIME:** 7:30 a.m.

**MEMBERS PRESENT:** Eva C. Dong, President  
Tony Silvain, Clerk  
Luis Araiza, Member (absent)  
Robert S. Jaramillo, Member  
Linda J. Lopez, Member (absent)

**OTHERS PRESENT:** Dr. Raúl Bejarano, Superintendent  
Dr. John Cox, Assistant Superintendent, Educational Services  
Roberta Leon, Administrative Secretary

**APPROVAL OF AGENDA:** Mr. Silvain moved, seconded by Mr. Jaramillo, to approve the agenda as submitted. Motion carried.

**CONSENT AGENDA:** A. Approval of Governing Board Minutes - None

B. Personnel - Certified Offer to Employ

Resignation for Acceptance

Johnny Diaz, Teacher, Assistant Girls Volleyball Coach, Boys Volleyball Coach, Assistant Boys Basketball Coach, Sunnyside High School, January 27, 2006.

Classified Personnel Offer to Employ

Resignation for Acceptance

Raymundo Garcia, Personnel Care Attendant (MD), Sunnyside High School, January 23, 2006.

C. Vouchers - None

D. Lost Warrants - None

E. Financial Statements - None

F. Use of Facilities - None

G. Student Attendance Requests - None

H. Student Travel Requests - None

I. Personnel Travel Requests - None

J. Board Travel Requests - None

- K. Contract with Outside Agency - None
- L. Supplementary Textbooks - None
- M. Application/Amendment for Funding - None

N. Business and Finance - E-Rate Contract Approvals - approval is requested for the referenced contract bid awards (on file) and for the inclusion of the resulting contract amounts in the 2006-2007 school year respective budgets. These contract awards will be the basis for the E-rate funding requests made for the 2006-2007 school year. Per previous Board approval of September 13, 2005, E-rate application agenda item, Dr. John Cox will proceed to contract with the approved vendors for services and products bid and to complete the E-rate application filing process by February 16, 2006.

Mr. Silvain moved, seconded by Mr. Jaramillo, to approve the Consent Agenda as submitted. Motion carried.


**UNFINISHED  
BUSINESS:**

None


**ADJOURNMENT:**

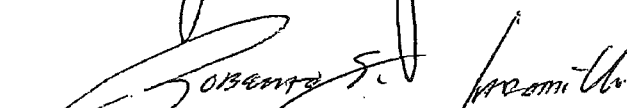
Mr. Silvain moved, seconded by Mr. Jaramillo, to adjourn the Special Board Meeting. Motion carried.

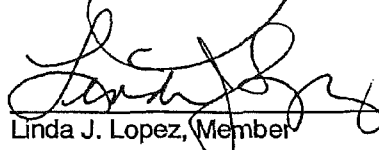
The Governing Board adjourned the Special Board Meeting at 7:32 a.m.

  
Eva C. Dong, President

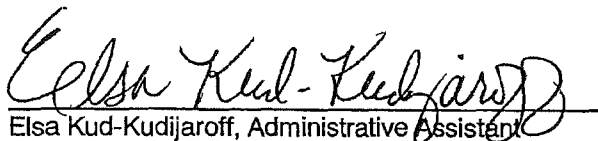
  
Tony Silvain, Clerk

  
Luis Araiza, Member

  
Robert S. Jaramillo, Member

  
Linda J. Lopez, Member

Respectfully submitted,

  
Elsa Kud-Kudjaroff, Administrative Assistant



# EXHIBIT E

SUNNYSIDE UNIFIED SCHOOL DISTRICT NO. 12  
2238 East Ginter Road  
Tucson, Arizona 85706

BOARD AGENDA ITEM

MEETING OF March 14, 2006 BOARD AGENDA NO. Consent Agenda Item 3)(n)(3)

TITLE OF AGENDA ITEM Resolution Authorizing Agreement with Trillion Partners, Inc.

INFORMATION                      ACTION X INFO/ACTION                     

PREVIOUS ACTION OF AGENDA ITEM Trillion Partners, Inc., Agreement Approved February 7, 2006

SUBMITTED BY: Dr. John Cox, Assistant Superintendent

DESCRIPTION/JUSTIFICATION:

Respectfully request Governing Board approval of the attached Trillion Partners, Inc., Resolution and authorization for signing by Eva Dong, Governing Board President, and Dr. John Cox, Assistant Superintendent.

As a part of the E-rate bid awards for the 2006-07 school year, an agreement for acquiring services from Trillion Partners, Inc., was approved on February 7, 2006. This Resolution is being requested by Trillion Partners, Inc., certifying the agreement was approved by the Governing Board; the board agent for negotiating and executing the contract was Board designee, Dr. John Cox; and the District's obligation to pay yearly costs are subject to annual appropriations by the Governing Board.

POLICY CONSIDERATIONS:

LEGAL CONSIDERATIONS:

BUDGET INFORMATION:

REVIEWED BY Dr. Raúl Bejarano, Superintendent *RB*

SUPERINTENDENT'S RECOMMENDATION:

Recommend approval.

DOCUMENTS ATTACHED: Trillion Partners, Inc., Resolution for Governing Board Approval

APPROVED                      DATE                      NOT APPROVED

## **Resolution**

**A resolution authorizing the negotiation, execution and delivery of the Services Agreement (the "Agreement"), between Sunnyside Unified School District No. 12, Tucson, Arizona and Trillion Partners, Inc. Austin, Texas; providing for periodic payments as set forth in the Agreement, each from legally available funds; and prescribing other details in connection therewith.**

**WHEREAS**, Sunnyside Unified School District No. 12 (the "Customer") is a public organization duly organized and existing pursuant to the Constitution and laws of the State of Arizona, and

**WHEREAS**, Customer is duly authorized by applicable law to acquire such items of personal property and services as are needed to carry out its governmental functions and to acquire such personal property and services by entering into services agreements, and

**WHEREAS**, Customer hereby finds and determines that the execution of a Services Agreement for the purpose of leasing the Equipment and acquiring the services designated and as set forth in the Exhibits to the Agreement is appropriate and necessary to the function and operations of the Customer; and

**WHEREAS**, Trillion Partners, Inc., Austin, Texas ("Trillion"), duly organized, existing, and in good standing under the laws of the State of Delaware, shall act as vendor under said Agreement; and

**WHEREAS**, the Agreement shall not constitute a general obligation indebtedness of the Customer within the meaning of the Constitution and laws of the State;

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF CUSTOMER:**

Section 1. The Assistant Superintendent, acting on behalf of Customer, is hereby authorized to negotiate, enter into, execute, and deliver the Agreement and related documents in substantially the form as presently before the Board, with such authority applying retroactively, if applicable, which Agreement is available for public inspection at the offices of Customer.

Section 2. The Customer's obligations under the Agreement shall be expressly subject to annual appropriation by the Governing Board; and such obligations under the Agreement shall not constitute a general obligation of Customer or indebtedness of Customer within the meaning of the Constitution and laws of the State of Arizona.

Section 3. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized.

Section 4. This resolution shall take effect immediately upon its adoption and approval.

**ADOPTED AND APPROVED** this 14 day of March, 2006.

### **CUSTOMER**

By: \_\_\_\_\_

Printed Name: Eva Dong

Title: Sunnyside Unified School District Governing Board President

Date: March 14, 2006

By: \_\_\_\_\_

Printed Name: Dr. John Cox

Title: Assistant Superintendent

Date: March 14, 2006

### Certificate of Incumbency

I, \_\_\_\_\_, do hereby certify that I am the duly elected or appointed and acting Clerk/Secretary of Sunnyside Unified School District (the "Customer"), a political subdivision duly organized and existing under the laws of the State of Arizona, and that, as of the date hereof, the individuals named below are the duly elected or appointed officers of the Customer holding the offices set forth opposite their respective names, and the signatures are true and correct.

NAME	TITLE	SIGNATURE
Eva Dong	Governing Board President	_____
Dr. John Cox	Assistant Superintendent	_____

IN WITNESS WHEREOF, I have duly executed this certificate this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Signed: \_\_\_\_\_

Title: Governing Board Secretary